

Chapter 14.05

GENERAL PROVISIONS

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14.05.010 Authority

- A. Title 14 of the Snohomish Municipal Code is adopted as the City of Snohomish Land Use Development Code (Development Code) pursuant to Chapter 35A.63 RCW (Planning and Zoning in Code Cities), Chapter 35A.58 RCW (Boundaries and Plats), Chapter 36.70A RCW (Growth Management Act), Chapter 86.16 RCW (Flood Prevention), Title 58 RCW (Boundaries and Plats), the City's general police powers, and any other applicable state statutes and regulations.
- B. Whenever any provision of this title cites a section of the Revised Code of Washington (RCW) or Washington Administrative Code (WAC) and that section is later amended or superseded, this title shall be deemed amended to refer to the amended section or the section that most nearly corresponds to this superseded section.
- C. All activities allowed under the provisions of this title shall comply with applicable federal, state, regional, county, or City performance standards

related to the creation or existence of the following: noise, vibration, glare, heat, odorous material, smoke and dust emission, wind borne air pollution, toxic or noxious material, sealed radioactive material, and all forms of water pollution.

14.05.020 Purpose

The general purposes of the City of Snohomish Land Use Development Code are to:

- A. Implement the City of Snohomish Comprehensive Plan.
- B. Implement Chapter 36.70A RCW, the Growth Management Act, and Chapter 36.70B RCW, Local Project Review.
- C. Protect the general health, safety, and welfare.
- D. Provide for the economic, social, and aesthetic advantages of orderly development.
- E. Provide for adequate public facilities and services in conjunction with development.

14.05.030 Jurisdiction

This title shall be effective throughout the City's corporate boundaries. In addition, the City of Snohomish and Snohomish County may enter into an interlocal agreement causing this title to apply to any or all portions of the City of Snohomish Urban Growth Area (UGA).

14.05.040 No Special Duty Created

It is expressly the purpose of this ordinance to provide for and promote the health, safety and welfare of the general public and not to

create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this ordinance.

No provision or term used in this ordinance is intended to impose any duty whatsoever upon the City or any of its officers, agents, or employees, for whom the implementation or enforcement of this ordinance shall be discretionary and not mandatory.

Nothing contained in this ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees, or agents, for any injury or damage resulting from any action or inaction on the part of the City, its officers, employees, or agents.

14.05.050 Administration and Interpretation

- A. The City Planner shall interpret and apply this Development Code consistently. As may be necessary, the City Planner shall render new interpretations in writing, file said interpretations, and apply said interpretations in future like instances.
- B. In the event of conflict: 1) specific provisions shall prevail over general provisions; 2) text shall prevail over headings, captions, illustrations, and citation references; and 3) Chapter 36.70B RCW shall prevail over this Development Code.
- C. Regulations, conditions, or procedural requirements that are specific to an individual land use shall supersede regulations, conditions, or procedural requirements of general application.
- D. A land use includes the necessary

structures to support the use unless specifically prohibited or the context clearly indicates otherwise.

- E. The word “shall” is mandatory and the word “may” is discretionary. The word “should” is mandatory unless the City Planner determines that application of the particular provision is not necessary to implement the purposes of the Development Code as set forth in SMC 14.05.020.

14.05.055 Reasonable Accommodations for Persons with Disabilities

- A. Purpose. The federal Fair Housing Act and Fair Housing Act Amendments require that reasonable accommodations be made in the rules, policies, practices, or services, when such accommodations may be necessary to afford disabled persons equal opportunity to use and enjoy a dwelling. The rights created by the statutes are requirements of federal law and shall be interpreted and applied in accordance with federal case law.
- B. Scope. The City Planner or his or her designee is therefore authorized to make reasonable accommodations in the provisions of this title as such provisions apply to dwellings occupied or to be occupied by disabled persons as defined by the federal Fair Housing Act and Fair Housing Act Amendments. Accommodations may include:
 - 1. Reducing the setback requirements to retrofit a house with handicapped accessible facilities.
 - 2. Other modifications to this title necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling, provided such

modification does not reduce public safety nor keep the intent of the code from being met.

C. Procedure.

1. Request. A request for a reasonable accommodation in the form of a modification of this title may be made to the City Planner and must include verifiable documentation of the disability and need for accommodation. Such accommodation shall be reasonable, personal to the applicant and granted pursuant to the definitions and requirements of the Fair Housing Act and Fair Housing Act Amendments as the same exists or is hereafter amended.
2. Decision. The written decision of the City Planner or his or her designee shall be provided to the applicant and copies of the decision posted at City Hall, and on or near the subject site, and mailed to all property owners within 300 feet of the subject site.
3. Recording of Decision. Notice of the decision of the Planning Director or his or her designee shall be recorded with the Snohomish County Auditor to apprise prospective purchasers of the reasonable accommodation granted hereunder. All such notices shall conspicuously state that all accommodations granted under this section are personal to the applicant and that they expire when the applicant terminates his or her occupancy at the subject site.
4. Appeals. The decision of the City Planner or his or her designee shall be appealable to Hearing Examiner

in accordance with the provisions of SMC 14.75.010. The appeal period for such appeals shall commence on the date the notice of decision is postmarked.

- D. Criteria. The City Planner or his or her designee may determine that such reasonable accommodations may be necessary in order to comply with the federal Fair Housing Act and Fair Housing Act Amendments. All such accommodations shall be personal to the applicant and shall expire immediately if the disabled applicant terminates occupancy at the subject site. (Ord 2268, 2014)

14.05.060 Adoption of Supporting Administrative Guidelines

- A. City departments, boards, and commissions may adopt guidelines, reference materials, forms, or other documents to aid in interpreting and administering this Development Code, provided that such adoption is ratified by resolution or ordinance of the City Council.
- B. Previously adopted and ratified documents include the following:
 1. Approved Landscape Materials List.
 2. U.S. Department of Interior Rehabilitation Standards for Historic Properties.

14.05.070 Compliance

Subject to Chapter 14.80 SMC (Non-conforming Uses and Buildings), no person may use, occupy, or sell any land or buildings, or authorize or permit the use, occupancy, or sale of land or buildings

under his control except in compliance with all of the applicable provisions of this title.

14.05.080 Computation of Time

- A. Unless otherwise specifically provided, the time within which an act is to be done under the Development Code shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and holidays shall be excluded.
- B. Unless otherwise specifically provided, whenever a person has the right, or is required, to do some act within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served by mail, three days shall be added to the prescribed period.

14.05.090 Land Use Designation Map

The Land Use Designation Map in the Comprehensive Plan shall also constitute the Land Use Designation Map for the Development Code. (Ord. 2082, 2005)